Rev (1940) Department

SERIES.

G.O. No. 2960

Dated 29 M 1940

15:23/1

[Despatch Abstract.]

Alienation - Land and Revenue - Bellary - Bellary taluk - Bellary village - S.No.522/88 - Playground for the St.John's High School - Institute of the Franciscan Fathers of the English Province in Bellary - Sanctioned.

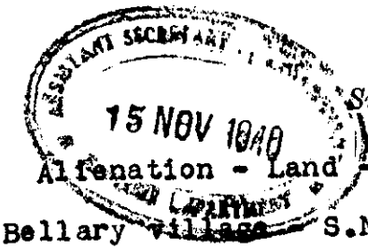
C.F. 31—12,006—28-11-39

REVENUE DEPARTMENT.

CURRENT No. 40446F

Received 19 *Registered* 15.11.40. 19

7½ pm



Subject.

Alienation - Land - Revenue - (Bellary) - Bellary taluk - Bellary village - S.No.522-88 - Playground for the St.John's High School - Institute of the Franciscan Fathers of the English Province in Bellary.

Refce. E. No. 1671/40-3.

Station Madras, , *Dated the* 12th November 19 40.

From

S.Venkateswaran, Esq., I.C.S.,

Secretary,

Board of Revenue.

F.W.Stewart, Esq., C.I.E., M.C., I.C.S.,

mmissioner of Land Revenue.

Read the following papers:--

I.

Letter from A.D.Crombie Esq., C.I.E., I.C.S., Collector of Bellary, Ref.C.No.2643/38 A7, dated the 11th March 1940.

II.

-do- -do- R. O. C. No.2643/38 A-2, dated 7-9-1940.

Alienation - Land - Revenue - (Bellary) - Bellary taluk and town - S.No.522/88 - Managing Body - St.John's High School - Playground - Further report submitted.

Ref:- Board's Ref.E.1671/40-2, dated 3rd July 1940.

The Managing Body of the Institute of the Franciscan

Fathers of the English Province in Bellary and of the Roman Catholic Mission and St.John's High School, Bellary, has not been registered; but the 'Institute of the Franciscan Fathers of the English Province in Bellary' has been registered under the Societies Registration Act XXI of 1860. A copy of the Registration Certificate is enclosed. The headquarters of the Institute in India is Bellary and London outside India.

The Chairman of the Managing Body of the above Institute now requests that the site for the Playground of the St.John's High School may be alienated in favour of the above institute as the High School is also under the management of the said Institute. I recommend that this may be done.

Reference. At the instance of the Collector of Bellary the Board recommends the alienation of the plot of land comprised in S.No.522-88 of Bellary village, Bellary Taluk measuring Ac.2-70 in favour of the Institute of the Franciscan Fathers of the English Province in Bellary for use as the site of a playground for the St.John's High School, Bellary.

2. The alienation will be free of charge for the ocupancy right and free of assessment but subject to the payment of Rs.4-8-0 being the value of the trees standing on the land and subject also to the following conditions to which the alienee has agreed:--

(1) The land shall be used as the site of a playground and for no other purpose.

(2) The purpose of the alienation shall be carried out within a period of six months from the date of the grant.

(3) No building shall be constructed on the land without the previous permission of the Collector of the district.

(4) The grantee shall allow free passage through the playground to the house in S.No.522/2 from the western gate of the house to the road on the north.

(5). The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant or if the school is not recognised or if recognition once granted is subsequently withdrawn. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee. If there are buildings on the land, the Government may direct the grantee to remove them.

(6). The Government may resume the land wholly or in part with any buildings thereon if, in the opinion of the Government, the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less.

(7). In the event of resumption under condition (6), if there are buildings on the land, the Government may at their option either :

(a) purchase the buildings, or

(b) direct the grantee to remove the buildings.

(8). In the event of the resumption of the land followed by the purchase of the buildings under condition (7)(a) or in the event of the acquisition of the land for any reasons, the compensation payable for buildings or other improvements shall in no case exceed the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3). The amount of any grant made by the Government towards the construction of any building shall be deducted from the compensation payable under this condition.

(9). In the event of the grantee refusing to remove the buildings when so directed under condition (5) or (7)(b) the Government may remove them and realise the cost of removal by the sale of the materials.

(10). In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee.

(11). The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(12). The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(13). The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(14). In the event of the infringement of, or failure to observe, any of the conditions (11) to (13), the alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alinee shall not be entitled to any compensation whatever.

(15). Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of the alienation are infringed. In the latter case the land revenue shall be levied from the date of the infringement.

There is objection to the alienation from one Vamajee Naimal, Banker owner of the site and house in S.No.322/2. In view of the fact that the Mission has agreed to provide free passage through the play ground from the western gate of the objector's house to the road on the North, the Board considers that the objections do not deserve any consideration and may be over ruled.

Ramachandra Rao
for Secretary. 13.11.41

To the Secretary to the Government, Revenue Department, with alienation statements and sketches and enclosures in original.

A.S.R./13-11.

G.S. 13/11

21/29/11 29/4 from the 29/11

Rev. Sectt. 23—3,006—23-12-36.

GOVERNMENT OF MADRAS.

Received _____ 193 *Registered* _____ 193

Abstract.

REVENUE DEPARTMENT.

G.O. No. Ms. 2960 **Dated the** 29/4

READ the following :—

t.044 F/40 From the Bd of Rev Rc E No 1671/40-3 dt 12-11-40

ORDER—

The Government sanction the alienation of the plot of land comprised in S No 522/8F, measuring 2.70 acres, in Bellary village Bellary taluk, Bellary district in favour of the Institute of the Franciscan Fathers of the English Province in Bellary for use as the site for playground for the St Johns High School Bellary.

2. The alienation will be free of charge for the occupancy right and fee of assessment but subject to the payment of Rs 4-8-0 (Rupees four and annas eight) being the value of trees standing on the land and

~~but~~ also subject to the following conditions :—

(1) The land shall be used as the site for play ground

and for no other purpose.

~~The buildings shall be constructed within from the date of the grant.~~

(2) The purpose for alienation shall be carried out within a period of six months from the date of the grant

(3) No buildings shall be Constructed on the land without the previous permission of the Collector for that

(4) The grantee shall allow free passage through the playground to the house in S No 522/2 from the western gate of the house to the road on the north.

a/c of the school is not recognised or a recognition once granted is subsequently withdrawn. (3)

(5) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee ~~(and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant).~~ If there are buildings on the land the Government may direct the grantee to remove them.

(6) The Government may resume the land, wholly or in part, with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less.

(7) In the event of resumption under condition (6), if there are buildings on the land, the Government may, at their option, either—

(*a*) purchase the buildings, or

(*b*) direct the grantee to remove the buildings.

(8) In the event of the resumption of the land followed by the purchase of the buildings under condition (7) (*a*), or in the event of the acquisition of the land for any reason, the compensation payable for buildings or other improvements shall in no case exceed ~~(the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with)~~ the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. But in no circumstances shall any compensation be paid by the Govt in respect of buildings constructed in contravention of condition (3). The amount of any grant made by the Govt towards the construction of any building shall be deducted from the Compensation payable under this condition.

(9) In the event of the grantee refusing to remove the buildings, when so directed under condition (5) or (7)(*b*) the Government may remove them and realize the cost of the removal by the sale of the materials.

(10) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee ~~(and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant).~~

(11) The Govt reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Govt shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The grantee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector first had.

(12) The grantee shall take all reasonable measures

protection from sandalwood trees from theft or damage and for the careful protection of the miniature trees growing on the land

(13) The grantee shall take steps to see that the markers made by the officers of the Govt on the sandalwood trees are preserved and are not tampered with

(14) In the event of the infringement of, or failure to observe, any of the Conditions (11) to (13) the grantee shall pay to the Govt such Compensation as is determined by the Collector of Dt for any loss or damage caused by such infringement or failure on his part. The Govt shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon revert absolutely to the Govt. In that case the grantee shall not be entitled to any compensation whatever.

(15) Full land revenue shall be levied if at any time any net income is derived from the land as if any of the Conditions of alienation are infringed. In the latter case the land revenue shall be levied from the date of the infringement

19/11

To The Bd of Rev (with papers in flag T)
" E + P H Dept

19/11

E + P.H. Dept for information

19/11

Rev (Rev 4644 Flag-1)
19.11.40

ASST. SECRETARY TO GOVT.
20 NOV 1940
EDUCATION & PUBLIC HEALTH DEPT.

17633

Rec'd by
Date 19/11

to the satisfaction of the Collector of the district for the protection of the said alvar trees from theft or damage and for the careful protection of the wild nature trees growing on the land

(13) The grantee shall take steps to see that the boundaries made by the officers of the Govt on the said alvar trees are preserved and are not tampered with

(14) In the event of the infringement of, or failure to observe, any of the Conditions (11) to (13), the grantee shall pay to the Govt such Compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Govt shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon revert absolutely to the Govt in which case the grantee shall not be entitled to any compensation whatever.

(15) Full land revenue shall be levied at any time any net income is derived from the land or if any of the Conditions of alienation are infringed in the latter case the land revenue shall be levied from the date of the infringement

19/11

19/11 184.

To The Bd of Rev (with papers in flag A)
" E + P H Dept

19/11

ASST. SECRETARY TO GOVT. 20 NOV 1940 EDUCATION & PUBLIC HEALTH DEPT.

17633

Rev 4044 Fam-1

19.11.40

Noted by the Minister

Date 20/11

E + P.H. + Fin info for acceptance

19/11

E + P H

4

E & P. H(c).

The draft order may be accepted and the file passed on to the Finance Dept. w.o.

S.P.
21/11/40

S19
25.11.40
S

Secy.
27.
Fin

W.O. No. 47633 e-1 Edn.
27-11-40.

Finance (Accts)

Accepted
Cs
27.11.40

Secy

Issue
SP
28/11

ASSISTANT SECRETARY TO GOVERNMENT
27 NOV 1940
FINANCE DEPT.

Fin No 41574 Accts
27/11/40